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C O N F I D E N T I A L SECTION 01 OF 03 BOGOTA 011461

SIPDIS

E.O. 12958: DECL: 12/09/2105

TAGS: [PGOV](#) [PREL](#) [PTER](#) [CO](#) [ELN](#) [ELN](#)

SUBJECT: GUARANTORS BRIEF AMBASSADOR ON GOC-ELN TALKS IN CUBA; MODERATE OPTIMISM BUT NO FALSE ILLUSIONS

REF: BOGOTA 11435

Classified By: Ambassador William B. Wood
Reason: 1.4 (b,d)

Summary

11. (C) The five "Casa de Paz" initiative guarantors told the Ambassador December 9 they are moderately optimistic about the upcoming GOC-ELN talks in Cuba but have no false illusions. The ELN pushed for December talks when the guarantors would have preferred to wait until late January to prepare an agenda and define modalities; the guarantors therefore want to manage expectations in Havana (especially on the ELN side) and ensure the talks continue in 2006, preferably in Europe. The Ambassador said the U.S. would support a legitimate peace process but would not talk directly to terrorists. The U.S. has been frustrated in the past by ELN spoiling tactics in peace talks. In response to the Ambassador's question about the ELN's true independence from the FARC, the guarantors said ELN and FARC forces had clashed increasingly in the past 10 months, and the guarantors perceive the ELN's decision to talk with the GOC as demonstrating a certain degree of independence. End summary.

The Havana Talks

12. (C) The five "Casa de Paz" initiative guarantors (Moritz Akerman, Daniel Garcia-Pena, Alvaro Jimenez, Gustavo Ruiz, and Alejo Vargas) briefed Ambassador Wood December 9 on their upcoming trip to Cuba to help organize the first direct GOC-ELN talks in over a decade. The guarantors plan to leave for Havana over the weekend. Garcia-Pena said they expect to make preparatory arrangements on an agenda and modalities December 12-15 in Havana with the GOC, ELN, and representatives from Spain, Norway, and Switzerland. The Cubans would only host the talks and would not facilitate. GOC Peace Commissioner Luis Carlos Restrepo is expected to arrive December 14. Military commander Antonio Garcia will be the ELN's chief representative. The formal proceedings start December 16, and direct GOC-ELN meetings are planned during December 17-22.

13. (C) Garcia-Pena said the guarantors would have preferred a late January date to give them time to agree on an agenda and methods of conducting the talks, but the ELN insisted on meeting in December in Cuba (in part, he suggested, so that the ELN could "repay a debt" to the Cubans for previous support). The guarantors will discuss with representatives from Spain, Norway, and Switzerland the roles they could most appropriately play, but plan to suggest a watching brief ("ambientar") rather than a facilitation. Spain is prepared to accept this kind of role. Norway and Switzerland are pressing for more active participation.

14. (C) The Ambassador noted that we were trying hard not to criticize the Havana venue, even though the Cubans had played at best an ambiguous role in the past and had undermined the Mexican peace effort. But he urged that any follow-on talks move from place to place, so that there is no "Havana process" consultations.

Expectations, Personalities Key

15. (C) Akerman (echoed by others) said the guarantors would try to keep expectations for the Havana talks realistic. The guarantors are moderately optimistic but have no false illusions, he said. They would focus on defining an agenda and next steps, aiming to prevent a breakdown in talks in Cuba because ground had not been sufficiently prepared in advance or because of the clash of strong personalities (mentioning Restrepo and Garcia, in particular, as risking an "encuentro de vanidades"). Akerman said the guarantors would try to prepare the ground December 12-15 to avoid a set-piece recitation of grievances on December 16 that would get the talks off to a poor start. The guarantors recognize that Uribe has made significant concessions to get the talks started (establishing the "peace house" near Medellin;

releasing the ELN's Francisco Galan from jail to attend the peace house; allowing civil society to interact with him; and permitting international involvement).

16. (C) According to Akerman, the guarantors prefer that subsequent GOC-ELN sessions take place in Europe ("more modern") rather than in Cuba, which represents the past. Future locations are undecided, he said, but Norway and Switzerland have offered themselves as hosts. Norway has assigned responsibility for following developments to its vice foreign minister (who will not be in Havana, however).

Ambassador Offers Support for Genuine Peace Talks

17. (C) The Ambassador said the U.S. supported legitimate peace talks but would not under any circumstances talk directly to terrorists. If the ELN's motivation were revealed to be tactical rather than genuine, the U.S. would support the GOC if it decided to pull the plug on talks. The U.S. has in the past been frustrated with the ELN's spoiling tactics (for example, breaking off talks with the Mexican facilitators earlier in 2005). The Ambassador questioned whether the ELN could deliver all its members in a peace deal even if it wanted to, as the organization was less centrally controlled than ever before. He said the ELN was facing 4 more years of Uribe and may be calculating that it is better to deal with the GOC from a position of relative strength rather than wait a few years and continue to deteriorate. As a result of past ELN behavior, the Ambassador said he was somewhat less optimistic than the guarantors that the process would succeed.

ELN-FARC Relationship Unclear

18. (C) In response to the Ambassador's question about the relationship between the ELN and the FARC, Jimenez said the groups continue joint operations in some areas, but the past 10 months have witnessed significant armed confrontations, especially in Arauca, Antioquia, and Narino Departments (Vargas said the FARC has killed more ELN members than the GOC). Garcia-Pena said the ELN's decision to meet with the GOC in direct talks suggested a real degree of independence. As a result of the deterioration in ELN-FARC relations, however, he said it would be difficult to persuade the ELN to agree to a ceasefire if, by doing so, it exposed its members to further FARC attacks. The Ambassador said a GOC-ELN peace deal would signal a significant political and diplomatic setback for the FARC and he therefore expected the FARC to pressure the ELN every day to reject a deal with the GOC.

Electoral Considerations

19. (C) The Ambassador said the ELN should not be allowed to participate in electoral politics (in 2006 or at any other time) unless it renounced violence, released hostages, and committed to the democratic process. The guarantors agreed, saying that during the civil society "peace house" consultations the legal, democratic left had made it clear to the ELN that peaceful politics was the only way forward for the left. Garcia-Pena said the ELN was encouraged by Latin American leftist developments (in particular, Lula in Brazil and Chavez in Venezuela) and considered political space in Colombia more open than before. According to Garcia-Pena, ELN direct participation in the 2006 campaigns is less likely than its participation in the 2007 regional elections. The Ambassador cautioned that while Uribe does not need the ELN talks to boost his popularity (it is already very high), he would have to react to negative GOC-ELN developments so that he did not lose support during the campaign.

Talks Build on Talks

10. (C) Jimenez conceded that the Havana talks would be improvised due to the short lead time, but insisted that previous GOC-ELN exchanges have established a general consensus on next steps. He said a first phase of substantive talks would likely focus on matters such as a ceasefire and hostage exchange, while a second phase would discuss broader socio-political subjects, including the possibility of a national convention at which democratic reforms would be considered. According to Jimenez, the GOC has in the past accepted in principle the utility of such a national convention in the right circumstances.

Justice and Peace, Narcotrafficking

11. (C) The Ambassador said the ELN should not get a more advantageous deal from the GOC than the paramilitaries

received through the Justice and Peace law; the touchstone for "deals" for terrorists should be the same: jail time for those who have committed gross human rights violations or who ordered others to commit such violations. If the ELN received a better deal, he said, the GOC would be obligated to offer the same terms to the paramilitaries. Ruiz (echoed by Akerman) said the international legal environment relating to pardons and amnesties had changed significantly in recent years, such that governments had much less "amnesty" wiggle room and faced stricter legal conditions. It is far from clear that the ELN understands this, he said. Garcia-Pena said the ELN lacks a clear political objective and badly needs perspective. The Ambassador said the guarantors and the ELN should understand that if the facts demonstrated the ELN's involvement in drug trafficking then U.S. extradition requests could follow, potentially complicating the process.

WOOD